

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 471 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-29.2 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2009]: **Sec. 29.2. (a) "Local office large expenditure candidate's
6 committee" means a candidate's committee for the office of:**
7 **(1) judge of:**
8 **(A) a court elected by the voters; or**
9 **(B) a superior court subject to a retention vote;**
10 **(2) prosecuting attorney;**
11 **(3) executive (as defined in IC 36-1-2-5) of a political**
12 **subdivision, if the executive is elected by the voters;**
13 **(4) member of a fiscal body (as defined in IC 36-1-2-6) of a**
14 **political subdivision, if the member is elected by the voters;**
15 **(5) county sheriff; or**
16 **(6) member of a school board;**
17 **that, since the close of the previous reporting period, has received**
18 **more than ten thousand dollars (\$10,000) in contributions or has**
19 **made more than ten thousand dollars (\$10,000) in expenditures.**
20 **(b) A candidate's committee that is designated an exploratory**
21 **committee for an unspecified office in the committee's campaign**
22 **finance state of organization filed with a county election board is**
23 **considered a local office large expenditure candidate's committee**
24 **if, since the close of the previous reporting period, the committee**
25 **has:**
26 **(1) received more than ten thousand dollars (\$10,000) in**
27 **contributions; or**
28 **(2) made more than ten thousand dollars (\$10,000) in**
29 **expenditures.**
30 **SECTION 2. IC 3-9-1-3 IS AMENDED TO READ AS FOLLOWS**

[EFFECTIVE JULY 1, 2009]: Sec. 3. Each committee must file a statement of organization not later than noon ten (10) days after it becomes:

(1) a committee; **or**

(2) after December 31, 2009, a local office large expenditure candidate's committee.

SECTION 3. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for state office.

(2) A candidate's committee for legislative office.

(3) A legislative caucus committee.

(4) A political action committee that has filed a statement or report with the election division.

(5) A regular party committee that has filed a statement or report with the election division.

(6) A local office large expenditure candidate's committee.

(d) A county election board has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for a local office, **except for a local office large expenditure candidate's committee.**

(2) A candidate's committee for a school board office, **except for a local office large expenditure candidate's committee.**

(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the

1 committee filed a report under this article.

2 (3) The election division or county election board shall provide
3 notice of the proceeding by certified mail to the last known
4 address of the chairman and treasurer of the committee.

5 (4) The commission or board may issue an order administratively
6 dissolving the committee and waiving any outstanding civil
7 penalty previously imposed by the commission or board, if the
8 commission or board makes the following findings:

9 (A) There is no evidence that the committee continues to
10 receive contributions, make expenditures, or otherwise
11 function as a committee.

12 (B) The prudent use of public resources makes further efforts
13 to collect any outstanding civil penalty imposed against the
14 committee wasteful or unjust.

15 (C) According to the best evidence available to the
16 commission or board, the dissolution of the committee will not
17 impair any contract or impede the collection of a debt or
18 judgment by any person.

19 (5) The election division shall arrange for the publication in the
20 Indiana Register of an order administratively disbanding a
21 committee. A county election board shall publish a notice under
22 IC 5-3-1 stating that the board has disbanded a committee under
23 this subsection. The notice must state the date of the order and the
24 name of the committee, but the board is not required to publish
25 the text of the order.

26 (6) An order issued under this subsection takes effect immediately
27 upon its adoption, unless otherwise specified in the order.

28 (f) If the chairman or treasurer of a committee wishes to disband the
29 committee, the committee must do either of the following:

30 (1) Give written notification of the dissolution and transfer a
31 surplus of contributions less expenditures to any one (1) or a
32 combination of the following:

33 (A) One (1) or more regular party committees.

34 (B) One (1) or more candidate's committees.

35 (C) The election division.

36 (D) An organization exempt from federal income taxation
37 under Section 501 of the Internal Revenue Code.

38 (E) Contributors to the committee, on a pro rata basis.

39 (2) Use the surplus in any other manner permitted under
40 IC 3-9-3-4.

41 (g) Except as provided in subsection (e) concerning the waiver of
42 civil penalties, a dissolution or transfer of funds does not relieve the
43 committee or the committee's members from civil or criminal
44 liability."

45 Page 2, line 3, after "reports of" insert ":

46 (A)".

47 Page 2, line 3, after "for" insert ":".

1 Page 2, line 3, strike "the".

2 Page 2, strike lines 4 through 6, begin a new line triple block
3 indented and insert:

4 "(i) legislative office; or

5 (ii) state office; or

6 **(B) after December 31, 2009, a local office large**
7 **expenditure candidate's committee."**

8 Page 2, line 24, after "that" insert ":

9 **(A)".**

10 Page 2, line 24, strike "fifty" and insert "ten".

11 Page 2, line 25, strike "\$50,000" and insert "**(\$10,000)**".

12 Page 2, line 25, after "contributions" insert "; or

13 **(B) has made more than ten thousand dollars (\$10,000) in**
14 **expenditures;".**

15 Page 2, line 25, block indent beginning with "since".

16 Page 3, between lines 12 and 13, begin a new paragraph and insert:

17 "SECTION 5. IC 3-9-5-2 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2009]: Sec. 2. The following persons, whenever
19 required to file a report, notice, or other instrument by this article, shall
20 file it with the election division:

21 (1) Candidates for state office and their candidate's committees.

22 (2) The following central committees:

23 (A) State committees.

24 (B) Congressional district committees.

25 (3) Other regular party committees that propose to influence the
26 election of a candidate for state or legislative office or the
27 outcome of a public question for or against which the electorate
28 of the whole state may vote.

29 (4) Political action committees that propose to influence the
30 election of a candidate for state or legislative office or the
31 outcome of a public question for or against which the electorate
32 of the whole state may vote.

33 (5) Legislative caucus committees.

34 **(6) After December 31, 2009, local office large expenditure**
35 **candidate's committees."**

36 Page 3, between lines 18 and 19, begin a new paragraph and insert:

37 "SECTION 7. IC 3-9-5-4 IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2009]: Sec. 4. The following persons, whenever
39 required to file a report, notice, or other instrument by this article, shall
40 file it with the county election board of each county comprising part of
41 the affected election district:

42 (1) Candidates for local office and their candidate's committees,
43 **except, after December 31, 2009, local office large expenditure**
44 **candidate's committees.**

45 (2) Regular party committees that are not required to file with the
46 election division.

47 (3) Political action committees that are not required to file with

- 1 the election division."
- 2 Page 3, line 22, after "hand" delete "." and insert ", **unless the**
- 3 **report must be filed electronically.**".
- 4 Page 3, line 23, after "mail" delete "." and insert ", **unless the report**
- 5 **must be filed electronically.**".
- 6 Page 3, line 24, strike "mail," and insert "**filing**".
- 7 Page 3, line 27, strike "mail." and insert "**filings**".
- 8 Page 3, line 28, after "that" insert "**the**".
- 9 Page 3, line 28, strike "mail" and insert "**filing**".
- 10 Page 3, line 31, strike "mail" and insert "**filing**".
- 11 Page 3, line 36, strike "mail" and insert "**filing**".
- 12 Page 3, line 39, strike "mail." and insert "**filing**".
- 13 Page 3, line 42, strike "mail" and insert "**filing**".
- 14 Renumber all SECTIONS consecutively.
(Reference is to SB 471 as printed February 3, 2009.)

Senator HERSHMAN